

ORDINANCE NO. 2022-02

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDERMERE, FLORIDA REGULATING COMMERCIAL ACTIVITIES ON PROPERTY OWNED BY THE TOWN; AMENDING ARTICLE I OF CHAPTER 8 TO ADD A NEW SECTION 8-1 TO BE TITLED “COMMERCIAL ACTIVITIES PROHIBITED ON TOWN-OWNED PROPERTY; EXCEPTIONS”; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE TOWN OF WINDERMERE:

Section 1. Legislative Findings. The Town Council of the Town of Windermere hereby makes and declares the following findings and statements of legislative intent:

1. Commercial activities on property owned by the Town of Windermere has become a nuisance unreasonably interfering with the recreation, use, enjoyment and privacy of residents and guests of the Town.
2. Property owned by the Town has been traditionally used for noncommercial recreational activities and commercial activities are inconsistent with the purpose of Town recreational areas.
3. Restrictions on commercial activities and and merchandising of goods and services on property owned by the Town will promote the general welfare, tranquility and the intended uses of such property.

Section 2. Article I of Chapter 8 is hereby amended to add a new section 8-1 as follows:

Sec. 8-1. Commercial activities prohibited on town-owned property; exceptions.

(a) The following commercial activities on property owned by the town are prohibited:

- (1) Selling, leasing, renting, bartering or exchanging goods, wares, merchandise or services on a commercial basis.
- (2) Recreational programs or activities such as camps, schools, athletic teams, yoga, karate, aerobics or any other exercise classes or types of athletic instructions.
- (3) Engaging in commercial activities or offering to do so from, out of or upon town-owned property, roadways or rights-of-way.

(b) The prohibitions of subsection (a) are not applicable to the following:

- (1) Special event permits issued by the town.

- (2) Exceptions made by the town council or the town manager.
- (3) Commercial activities performed under a franchise or other agreement with the town.

Section 3. Codification. Section 2 of this Ordinance shall be codified and made part of the Town of Windermere Code of Ordinances.

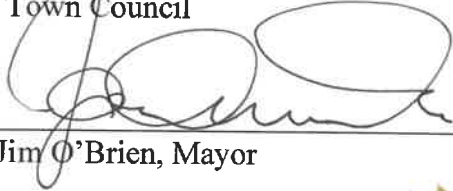
Section 4. Conflicts. In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance controls to the extent of the conflict.

Section 5. Severability. The provisions of this Ordinance are declared to be separable and if any section, paragraph, sentence or word of this Ordinance or the application thereto any person or circumstance is held invalid, that invalidity shall not affect other sections or words or applications of this Ordinance. If any part of this Ordinance is found to be preempted or otherwise superseded, the remainder shall nevertheless be given full force and effect to the extent permitted by the severance of such preempted or superseded part.

Section 6. Effective Date. This Ordinance shall become effective upon adoption at its second reading.

ENACTED this 12th day of April, 2022, at a regular meeting of the Town Council of the Town of Windermere, Florida.

Town of Windermere, Florida
by: Town Council

by: 
Jim O'Brien, Mayor

Attest:


Dorothy Burkhalter, MMC, FCRM
Town Clerk

First reading: March 8, 2022
Second reading: April 12, 2022
Advertised: March 31, 2022



Serial Number
22-01041W

WEST ORANGE Times

West Orange Times
Published Weekly
Winter Garden, Orange County, Florida

COUNTY OF ORANGE

STATE OF FLORIDA

Before the undersigned authority personally appeared Lindsey Padgett who on oath says that he/she is Publisher's Representative of the West Orange Times a weekly newspaper published at Winter Garden, Orange County, Florida; that the attached copy of advertisement,

being a Notice of Public Hearing

in the matter of Public Hearing on April 12, 2022
Ordinance 2022-02

in the Court, was published in said newspaper by print in the issues of 3/31/2022

Affiant further says that the West Orange Times complies with all legal requirements for publication in chapter 50, Florida Statutes.

*This Notice was placed on the newspaper's website and floridapublicnotices.com on the same day the notice appeared in the newspaper.

REC'D APR 05 2022

NOTICE OF PUBLIC HEARING TO ADOPT ORDINANCE 2022-02
The Town of Windermere, Florida, proposes to adopt Ordinance 2022-02. The Town Council of Windermere, Florida, will hold a public hearing at the Town Hall located at 520 Main Street, Windermere, Florida, on Tuesday, April 12, 2022 at 6:00 P.M. (or as soon thereafter as the matter may be considered) to hold a public hearing on and to consider passage of the proposed Ordinance 2022-02, the title of which reads as follows:

ORDINANCE NO. 2022-02
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDERMERE, FLORIDA REGULATING COMMERCIAL ACTIVITIES ON PROPERTY OWNED BY THE TOWN; AMENDING ARTICLE I OF CHAPTER 8 TO ADD A NEW SECTION 8-1 TO BE TITLED "COMMERCIAL ACTIVITIES PROHIBITED ON TOWN-OWNED PROPERTY; EXCEPTIONS"; PROVIDING FOR SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Interested parties may appear at the meeting and be heard with respect to the proposed annexation.

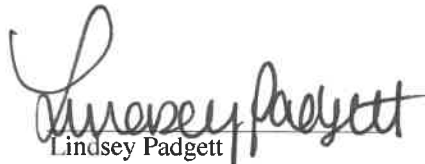
This ordinance is available at the Town Clerk's Office, 614 Main Street, Windermere, Florida, for inspection. Due to Covid-19, in person appointments are required. Please contact Dorothy Burkhalter, Town Clerk, Town of Windermere, at 407-876-2563, ext. 23 for an appointment or if there are any questions/concerns.

Persons with disabilities needing assistance to participate in this proceeding should contact the Town Clerk at least 48 hours before the meeting.

Persons are advised, pursuant to Section 286.0105 of the Florida Statutes, that, if they decide to appeal any decision made by the Town Council at this public hearing, they may need to ensure that a verbatim record of the proceeding is made, which record should include testimony and evidence upon which an appeal is based.

Dorothy Burkhalter, MMC, FCRM
Town Clerk
March 31, 2022


22-01041W


Lindsey Padgett


Sworn to and subscribed, and personally appeared by physical presence before me,

31st day of March, 2022 A.D.

by Lindsey Padgett who is personally known to me.



Notary Public, State of Florida
(SEAL)


Kimberly S. Martin
COMMISSION # GG232793
EXPIRES: July 25, 2022
Bonded Thru Aaron Notary